

## YOUTH CURFEW

### Chapter 21, Section V:

#### **Sec. 21-121. - Definitions.**

[As used in this article the following words and terms shall have the meanings respectively ascribed:]

- (a)  
*Minor* shall mean any person under seventeen (17) years of age and over nine (9) years of age.
- (b)  
*Parent* shall mean a person who is the natural or adoptive parent of a person. As used herein, "parent" shall also include a court appointed guardian or other person eighteen (18) years of age or older, authorized by the parent, by a court order, or by the court appointed guardian to have the care and custody of a person.
- (c)  
*Guardian* shall mean any person to whom custody of a minor has been given by a court order.
- (d)  
*Emergency* shall include but not be limited to fire, natural disaster, an automobile accident, or obtaining immediate medical care for another person.
- (e)  
*Public place* means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office building, transport facilities, and shops.

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(Ord. No. 74025, § 1, 7-25-91; Ord. No. 76419, § 1, 9-3-92)

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#### **Sec. 21-122. - Offenses.**

- (a)  
It shall be unlawful for a child to purposefully remain, walk, run, stand, drive or ride about in or upon any public place in the city between the hours of 11:00 p.m. and 6:00 a.m.
- (b)  
It shall be unlawful for a child to purposefully remain, walk, run, stand, drive or ride about in or upon any public place in the city between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday on school days only.
- (c)  
It shall be unlawful for the parent having legal custody of a minor to knowingly allow or permit the minor to be in violation of the **curfew** imposed in subsections (a) and (b).

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(Ord. No. 74025, § 2, 7-25-91; Ord. No. 79327, § 1, 12-16-93; Ord. No. 86567, § 1, 9-4-97; Ord. No. 2009-06-04-0445, § 2, 6-4-09)

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#### **Sec. 21-123. - Defenses.**

It is a defense to prosecution under section 21-122 that:

- (a)  
The minor was accompanied by his or her parent or another adult approved by the parents;
- (b)  
The minor was on emergency errand directed by his or her parent;
- (c)

The minor was attending a school, government sponsored, or religious activity or is going to or coming from a school, religious, or government sponsored activity without detour or stop.

(d)

The minor was engaged in a lawful employment or volunteer work at a recognized charity institution or is going to or coming from such activity without detour or stop.

(e)

The minor was on the sidewalk of the place where such minor resides or on the sidewalk of a place where the minor has permission from his/her parent or guardian to be;

(f)

The minor was in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through the **curfew** area is the most direct route;

(g)

The minor was exercising his or her First Amendment Rights protected by the United States or Texas Constitution, including but not limited to the free exercise of religion, freedom of speech, and freedom of assembly;

(h)

The minor was married or had been married or had disabilities of minority removed in accordance with V.T.C.A., Family Code ch. 31.

(i)

With respect to subsection 21-122(b), that the offense occurred during the scheduled vacation of or on a holiday observed by the school in which the minor is enrolled; or that the minor has graduated from high school or received a high school equivalency certificate; or that the minor has permission to be absent from school or be in a public place from an authorized school official. In the case of a child being educated in a home school, a parent shall be deemed a school official.

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*(Ord. No. 74025, § 3, 7-25-91; Ord. No. 76419, §§ 2—4, 9-3-92; Ord. No. 79327, § 2, 12-16-93; Ord. No. 2009-06-04-0445, § 2, 6-4-09)*

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## **Sec. 21-124. - Enforcement procedure.**

(a)

Any peace officer, upon finding a minor in violation of section 21-122, shall determine the name and address of the minor, and the name and address of his or her parent(s) or guardian(s). A warning notice shall be forwarded to the youth services division of the community initiatives department, which shall send a letter to the parent(s) or guardian(s) of the minor advising of the fact that the minor was found in violation of this Ordinance No. 86567, and soliciting cooperation in the future.

(b)

Provided, that if a police officer shall find a minor in violation of section 21-122, who has once previously been so found, and warned as in subsection (a), the peace officer may transfer the case to proper authorities for handling under the provisions of V.T.C.A., Family Code tit. 3. In addition, a complaint will be filed against the parents in Municipal Court for violation of subsection 21-122(c). The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing violation of this article by either the minor or by any parent or guardian. If a peace officer does not file such a complaint against a minor who has once previously been found in violation of section 21-122, and warned as in subsection (a), the officer shall again record the name and address of the minor and the name and address of his or her parent(s) or guardian(s), the peace officer may issue a warning notice and direct the minor to go home by the most direct route. A copy of the second warning shall be forwarded to the youth services division of the community initiatives department, which shall schedule a person to person conference with the parent(s) or guardian(s) of the minor and the minor concerning this **curfew** ordinance and the city's expectation and requirement for parental control.

(c)

Any peace officer, upon finding a minor in violation of section 21-122, who has previously been found in violation of an issued warning as provided for in subsection (a), shall transfer the case to proper authorities for handling under the provisions of V.T.C.A., Family Code tit. 3. In addition, a complaint will be filed against the minor and any parent or guardian in municipal court for violation of subsection 21-122(b). The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing violation of this article by either the minor or by any parent or guardian.